

ployment or render any such service for a fee, salary, or other compensation, contingent upon such adoption or defeat."

Delegate Morgan called attention to the fact that it was too limited, and we looked at it again. Actually the statutory provisions which regulate lobbying in the legislature of this State are broader; not only whether proposals are adopted or defeated but whether or not the compensation is contingent in any way upon the partial or complete success of the outcome. Therefore, the amendment I will move in a little while will strike the last line on page 4, to substitute therefor, or other compensation that is determined "in whole or in part with reference to the result accomplished."

I think in that respect we are more harmonious with the present statutory provision, and it represents a little broader coverage. Of course, again, there is no way of enforcing it except to say, as Mr. Bamberger's research revealed, that there is no question that a contingent fee contract for lobbying before a legislative body, and I believe a Constitutional Convention, is either a void or voidable contract, and to that extent any person that entered into such a contract, if he was not sure the client would pay him, would perhaps think twice about it. Then the Morgan amendment is a little broader than we had it originally, but the committee unanimously agreed to that.

Now, finally, there is a category of exception in which the regulation is not to be construed in covering professional services in drafting a proposed constitutional amendment or advising clients or rendering opinions as construction in effect of any constitutional amendment which may be considered at the Convention, where such professional services are not otherwise connected with Constitutional Convention action, et cetera.

This clears up a point that is not clear in the statutes. I do not believe that there has been a square determination under the Maryland Lobbying Act, whether a lawyer sitting back in his office and advising a client with respect to proposed legislation coming up before the General Assembly could be covered by that statute or not. In any event, we want to make it perfectly clear that this proposed regulation does not apply to a lawyer, or other person, giving people advice for compensation with respect to matters pending before this Convention who did not appear or contact a delegate or take the other action under which registration is required. If he merely advised,

drafted, suggested, and took none of the other actions covered in the earlier sections of section 1, especially 1(a) [Appendix A] of the proposed regulation then he would not be required to register.

Mr. President, I would like to move—

THE PRESIDENT: Before you make the motion, let me inquire whether there are any questions to be asked of the chairmen of the committee for clarification. Delegate Gallagher?

DELEGATE GALLAGHER: Mr. Scanlan, do you propose that the adoption of this rule will be retroactive? Will it have any effect or impose duties upon those who have already testified before the various committees, or have in any way fallen under the purview of this statute once it is adopted?

DELEGATE SCANLAN: I am sorry to say, Delegate Gallagher, the answer to that is no, and I suppose if the Committee had been any more delinquent about getting this proposed regulation to you for your approval, that not only would it be toothless, but it would be faceless.

THE PRESIDENT: Delegate Koss.

DELEGATE KOSS: I would like to address this to Mr. Scanlan.

It is my understanding that he specifically referred to the individual who would testify once and then not appear before the Convention or the Committee again and that person would have to file only one report. As I read section 5 [Appendix A], it does not seem to say that. It seems to me to say that every month he would have to file a report.

DELEGATE SCANLAN: Actually, that question was precisely put to the committee by Delegate Burdette in his appearance yesterday, and the unanimous feeling and interpretation of the committee was that the phrase that appears on the top of page 4, "Itemize cumulative statement" would mean that if there was nothing to add then it was not covered. However, maybe some clarification of language might be justified there.

THE PRESIDENT: Delegate Bard.

DELEGATE BARD: Mr. President, when would this go into effect? There are the matter of forms and other matters which I would think would keep it from going into effect immediately. Is there anything within this resolution itself that indicates the effective date?